
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:)	Case No.: 16-32728
Chadell Tribett)	
)	Chapter 13
)	
Debtor(s).)	Judge Timothy A. Barnes

NOTICE OF MOTION

TO: Chadell Tribett, 9147 S Woodlawn Ave. Chicago, IL 60619 *via US mail*

Trustee Marilyn O Marshall, 224 South Michigan Ste. 800, Chicago, IL 60604 *via ECF clerk's electronic delivery system*

U.S. Trustee, 219 S. Dearborn Suite 873, Chicago IL 60604 *via ECF clerk's electronic delivery system*

See attached service list

PLEASE TAKE NOTICE that on **September 28, 2017 at 10:00 a.m.**, I shall appear before the Honorable Judge Timothy A. Barnes at the Federal Courthouse, 219 S. Dearborn, Courtroom 744, Chicago, Illinois 60604, or any judge presiding and then and there present the **Motion**, a copy of which is attached hereto.

By: /s/ David H. Cutler
David H. Cutler

CERTIFICATE OF SERVICE

I, David H. Cutler, hereby certify that I caused to be served, electronically or through U.S. Mail, a copy of the foregoing Notice and Motion upon the parties named above on September 7, 2017 before the hour of 9:00 p.m.

By: /s/ David H. Cutler
David H. Cutler, esq.
Counsel for Debtor(s)
Cutler & Associates, Ltd.
4131 Main St,
Skokie, IL 60076
Phone: (847) 673-8600

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MOTION TO MODIFY PLAN POST CONFIRMATION

NOW COMES the Debtor, Chadell Tribett, by and through her attorneys, the law office of CUTLER & ASSOCIATES, and in support of this Motion, states as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 USC 1334 and this is a "core proceeding" under 28 USC 157(b)(2).
2. The Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on October 13, 2016.
3. The Debtor's Plan was confirmed with a payment of \$220 per month for 36 months until the end of the plan with unsecured creditors receiving 9% of their unsecured claims. The Debtor is on payroll control and is substantially current on her plan payments.
4. The Chapter 13 Trustee's office has filed a motion to dismiss for material default in the debtor's case that she had failed to turn over her tax returns and refund for tax year 2016.
5. The Debtor has turned over the tax return to her counsel and they have been forwarded to the Trustee's office. The amount required for turnover for 2016 is \$6,328.

6. The Debtor had failed to turn over her tax refund for 2016 because the apartment she and her children were living in was sold and they were forced to move. The Debtor incurred moving expenses for her and her dependent children and she was required to put down a substantial security deposit on her new rental and she purchased a new bed for her daughter.
7. The Debtor understands the tax refund needs to be turned over to the Chapter 13 Trustee and ask that the tax refund be added to the plan. The Debtor's plan was filed for 36 months and she seeks to defer the tax refund turnover amount of \$6,328 to the end of the plan to account for the unpaid tax refunds.

WHEREFORE, the Debtor respectfully requests that this Court modify the Debtor's Plan Post Confirmation to defer the unpaid tax refund for 2016 to the end of the plan; and for such further relief that this Court may deem just and proper.

Dated: September 7, 2017

Respectfully Submitted,

By: /s/ David H. Cutler
David H. Cutler, esq.,
Counsel for Debtor(s):
Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076
Phone: (847) 673-8600